

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

ANNUAL REPORT of the Massachusetts Commission Against Discrimination

January 1, 1964 to December 31, 1964



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MALCOLM C. WEBBER, *Chairman*

RUTH M. BATSON, *Commissioner*

BEN G. SHAPIRO, *Commissioner*

JOHN F. ALBANO, *Commissioner*

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41 Tremont Street
Boston, Massachusetts

1570 Main Street
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INTRODUCTION

A Tribute To Mildred H. Mahoney

In 1946, Mrs. Mildred H. Mahoney became the first Chairman of the Massachusetts Commission Against Discrimination. Appointment to this sensitive position followed upon three years of duty as Executive Secretary of the Governor's Committee for Racial and Religious Understanding. On December 4, 1964, Mildred H. Mahoney concluded a distinguished career in the service of this Commonwealth. Eight Governors had called upon her to inculcate intergroup understanding, respect, and good will among the people of this Commonwealth.

On November 16, 1964, a Special Study Commission was appointed by former Governor Endicott Peabody, to review the functions and policies of the Massachusetts Commission Against Discrimination. We cannot think of a more fitting tribute to Mildred H. Mahoney than the following statement which is taken from the final report of the Special Study Commission:—"One who devotes eighteen years of life to public service is owed the gratitude of the community. But the community's debt to Mrs. Mahoney is owed, not merely for length of service, but particularly for the signal distinction and devotion of her service. The general acceptance of the anti-discrimination laws of the Commonwealth by all responsible segments of the community, is due, in no small measure, to her persevering efforts. In very important ways Mrs. Mahoney's accomplishments are the fruits of her occupational philosophy; believing in the efficacy of conciliation, she taught violators of the law many things they might not have learned in more formal and austere surroundings; and by setting such a high standard of personal integrity and civic conscience, she has forced all of us to re-examine our own standards. For these lessons, still to be appreciated fully, we are—all of us—in her debt."

We who have had the privilege of working with her, know her quiet dignity, unflinching courage and ability. Few, if any, have more effectively taught the evils of race prejudice.

There is an honored place in the American way of life for those who have the gift for bringing conciliation within a framework of law and order.

COMMISSION MEMBERSHIP CHANGES

On 8 December 1964 and on 11 December two important changes were made in the Commission Membership.

John F. Albano of Longmeadow, on 8 December 1964, was appointed a member of the Commission. Mr. Albano is Manager of the Western Massachusetts District and Supervisor of Organization for New England and Upstate New York for the International Ladies' Garment Workers' Union, AFL-CIO.

On 11 December 1964, Commissioner Malcolm C. Webber of Springfield was designated Commission Chairman replacing Mrs. Mildred H. Mahoney of Winchester. Mr. Webber was originally appointed to the Commission on 4 December 1963.

SUMMARY OF COMMISSION ACTIVITIES

The nineteenth annual report includes the period from 1 January 1964 to 31 December 1964.

The Commission had before it for resolution 508 matters involving unlawful, discrimination based on race, color, religious creed, national origin, age or ancestry in the field of employment and discrimination based on race, creed, color, national origin or national ancestry in housing, places of public accommodations and admissions to educational institutions.

Field representatives of the Commission interviewed 428 employers throughout the Commonwealth. The main impact of these interviews was to acquaint the employers with the provisions of the Fair Practices Law and their obligations and responsibilities under the statute. In addition, the employers were informed of the Commission's rulings and interpretations of the law.

An examination was made of the employment application forms used by the employer and a review of the hiring policies in effect at the time of the interview.

Where not on display the official poster of the Commission (Form CAD-5) was placed in a conspicuous area on the premises as required by law.

Of the 428 employers interviewed fifty-nine (59) were found to be using employment application forms which were in violation of the law. Twelve (12) employers inquired into and recorded the national origin (birthplace) of applicants. Three (3) employers made inquiry into the race or color of applicants and the remaining employers, forty-four (44) in number, were making pre-employment inquiries into the age of applicants.

All violations were eliminated and corrected forms put into use.

The advertising material used by hotels, motels, guest houses and tourist homes were reviewed for possible violations of the Public Accommodations Law, Chapter 272, Section 92A of the General Laws. In all, 1172 brochures were reviewed before and during the 1964 vacation season and not one unlawful advertising brochure was found.

A study of the tenant selection programs and policies of twenty-seven (27) Public Housing Authorities was made to determine equal opportunities in housing regardless of the applicant's race, color, creed or religion.

As part of the study the number and names of the completed housing developments within the jurisdiction and management of each Authority were recorded as well as the number of units to be built within the ensuing year.

All forms and records made out by and for applicants for public housing were examined and lastly, a census of the non-white population in each development was obtained. These figures are reproduced in the section of this report entitled Public Housing Survey Statistics.

With the cooperation of the Board of Registration of Real Estate Brokers and Salesmen 35 thousand copies of the Commission pamphlet "A Guide to the Fair Housing Law" are being distributed at the rate of 2 thousand per month.

On 2 February 1964 a branch office has opened in Springfield to serve the citizens of Western Massachusetts.

One Commissioner, a field representative and a stenographer operated and worked out of this branch office.

From the opening day to 31 December 1964 the Springfield branch office processed eighty-four (84) personally filed complaints and sixty-eight (68) Commission-initiated complaints.

1590 persons visited the two Commission offices in Boston and Springfield to make inquiries concerning their rights and obligations under the provisions of the Civil Rights statutes.

The Ethical Society of Boston donated 500 Car Cards for display on public transportation vehicles.

As a public service, the advertising firm of O'Ryan and Batchelder donated Car Card space on more than 400 Metropolitan Transit Authority vehicles in the Greater Boston area.

The public transportation systems of Springfield, Holyoke and Pittsfield donated space for the display of 100 cards for which the Commission is grateful.

The Car Cards outlined the rights of minority groups to have equal opportunity in employment, housing, education as well as equal treatment in places of public accommodations.

The Commission members and staff conducted 124 conferences and addressed 98 business, civic, educational and social organizations.

The Commission prepared and signed memoranda of agreements with the President's Committee On Equal Employment Opportunity, President's Committee On Equal Opportunity In Housing and the Federal Housing Administration.

In April of 1964 a Research Division was established.

At the close of the reporting year the Research Division had designed and completed a study of the hiring policy and employment pattern of five public utilities; an in-depth follow-up of ten closed housing complaints; two study designs completed relating to communications, and to contractual relations of state, city and town

agencies to determine the degree of compliance of non-discriminatory clauses in contracts, and the completion of negotiations for a study of post-school employment of students from the Boston Vocational Schools. This study is to be co-sponsored with Johns Hopkins University under a federal grant.

One of the field representatives was assigned to make a study of the problem of citizens, aged forty-five (45) to sixty-five (65), who, through no fault of their own, lose their job and try to find another.

A preliminary report was completed and submitted to the Governor of the Commonwealth and the Secretary of Labor.

At the close of the year another new division was organized. This section is to be known as the Division of Community Relations.

SCOPE OF THE LAW

The following is a list of the questions the Commission is most frequently asked concerning the scope of the law. It hopes the answers will serve to inform the inhabitants of the Commonwealth of Massachusetts of their rights, privileges and duties under the various sections of the law:

What is the Purpose of the Fair Employment Practice Law?

Its purpose is to prevent and eliminate practices of discrimination in employment because of race, color, religious creed, national origin, age or ancestry.

When Did the Law Go Into Effect?

August 21, 1946.

Who Administers the Law?

Four Commissioners, appointed by the Governor.

What Is the Commission Empowered to Do?

It is empowered to receive, investigate and pass upon complaints alleging discrimination in employment because of race, color, religious creed, national origin, age or ancestry; to hold hearings and subpoena witnesses.

Does the Fair Employment Practice Law Apply Only to Hiring?

No, it applies also to discharge, transfer, promotion, terms and privileges of employment, including unfair working conditions such as separation of facilities and segregation in employment.

Are All Employers Subject to the Law?

All employers with six or more employees, including the state and local governments, are subject to the law. The law does not apply to clubs which are exclusively social or to fraternal, charitable, educational or religious associations which are not organized for private profit; nor does the law apply to any individual employed by his parents, spouse or children or engaged in domestic service.

How Does the Law Effect Employment Agencies?

It is unlawful for an employment agency:

1. To ask questions before employment or to make any statement to a prospective employer concerning the race, color, religious creed, national origin, age or ancestry of an applicant.
2. To place advertisements for help or use application blanks which directly or indirectly express any limitation upon employment because of race, color, religious creed, national origin, age or ancestry of an applicant.
3. To accept or process job orders from employers which limit or specify the race, color, religious creed, national origin, age or ancestry of an applicant.

What Questions May Not Be Asked of an Applicant for Employment?

Questions may not be asked concerning:

Birthplace or that of relatives.

Religious creed.

Color or complexion.

Lineage or national origin.

Places of residence of relatives of the applicant or their places of business outside of the United States.

Military experience in the service of a foreign country.

Organizations of which the applicant is a member if their names indicate religion, race, national origin or ancestry.

Age.

Citizenship, which would indicate whether the applicant is naturalized or native-born; but the applicant may be asked if he is a citizen.

May an Applicant Be Asked to Produce Military Discharge Papers, Naturalization Papers or a Birth Certificate Prior to Employment?

No.

May a Photograph Be Required Prior to Employment?

No.

Does the Law Tell an Employer Whom to Hire?

No, but it does declare it to be unlawful for an employer to refuse to employ, or to discharge from employment any individual because of race, color, religious creed, national origin, age or ancestry. It does not restrict an employer from establishing occupational qualifications provided that they are applied equally to all persons.

May Job Qualifications Include Personality and Appearance?

Yes, depending on the job. But appearance cannot include color or racial characteristics.

Suppose an Employer Is Willing to Hire Qualified Minority Group Workers But Cannot Because of Discriminatory Labor Union Practice?

Complaints may be filed against labor organizations, since these organizations are subject to the Fair Employment Practice Law, when persons are denied full membership rights because of race, color, religious creed, national origin, age or ancestry.

Suppose an Employer Desires to Hire Qualified Minority Group Members But Fears an Unfavorable Reaction From His Other Employees?

A clear stand by the employer indicating that he intends to comply with the law and hire the most qualified workers regardless of their race, color, religious creed, national origin, age or ancestry will usually suffice. However, the provisions of the Fair Employment Practice Law can also be involved against employees attempting to obstruct the purposes of the law.

Does the Fair Employment Practices Law Give Minority Group Members Any Special Privileges In Obtaining Employment?

No, the purpose of the law is to afford all persons equal opportunities in employment regardless of race, color, religious creed, national origin, age or ancestry with the qualifications of the applicants being the sole test in selecting employees.

If I File a Complaint Against My Employer, Might This Action Cause Me to Lose My Job Or to Be Otherwise Discriminated Against By Him?

No, the law makes it a violation to discharge, expel or otherwise discriminate against any person because he has filed a complaint.

How Does the Law Affect Employees On the Job?

It requires that wages, hours, use of rest room and restaurant facilities, etc., be afforded equally to all employees regardless of race, color, religious creed, national origin, age or ancestry.

Who May File A Complaint With The Commission?

Any person claiming to be aggrieved because of an alleged unlawful practice; the Attorney General of the Commonwealth; an employer when his employees, or some of them, refuse or threaten to refuse to comply with the provisions of the law. The Commission itself may file a complaint whenever it has reason to believe any person has been or is engaging in an unlawful practice.

What Is Meant By "An Aggrieved Person"?

An aggrieved person is one who believes that his legal rights have been invaded because of discrimination in employment, education, public accommodations or housing.

How May a Complaint Be Filed?

Anyone wishing to file a complaint on charges of discrimination because of race, color, religious creed, national origin, age or ancestry must make a complaint in person or in writing which must be notarized. Upon request the staff of the Commission will assist a person in recording a complaint.

Where Should a Complaint Be Filed?

At the offices of the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston or at the Springfield office of the Commission, 1570 Main Street, Springfield.

Is There Any Time Limit For the Filing Of a Complaint?

Yes, a complaint must be filed within six months after alleged act of discrimination.

What Happens To a Complaint After It Is Filed?

It is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint.

What Does "Probable Cause" Mean?

That there is credible evidence warranting a belief that discrimination may have been practiced.

If Probable Cause Is Found to Exist, What Then?

The Investigating Commissioner endeavors to eliminate the unlawful practice complained of by conferences, conciliation and persuasion, that is, through frank discussion with the parties concerned.

If Conference, Conciliation and Persuasion Prove Unsuccessful, What Further Steps May Be Taken?

A formal hearing may then be ordered before the other three Commissioners. The Investigating Commissioner can now appear only as a witness, and the testimony taken at this hearing shall be under oath.

How Is a Final Order of the Commission Enforced?

The Commission may obtain in the Superior Court an order for the enforcement of its decision.

Was the Massachusetts Commission Against Discrimination Always Known By This Name?

No. From 1946 to 1950 the Commission was known as the Fair Employment Practice Commission.

Why Was the Name of the Commission Changed in 1950?

The name of the Commission was changed because of certain amendments which increased the duties of the Commission and broadened the scope of the original law.

What Were These Amendments to the Original Fair Employment Practice Law?

The amendments were three in number:

1. The age amendment;
2. The public accommodations amendment;
3. The public housing amendment.

What Is the Age Amendment?

The age amendment prohibits discrimination in employment solely because of age. Age is defined in the law as being between the 45th and 65th birthday.

What Is the Public Accommodations Amendment?

This amendment prohibits the making of any distinction, discrimination or restriction on account of religion, color, national origin or race relative to the admission of any person to, or his treatment in, any place of public accommodation, resort or amusement.

What Is the Public Housing Amendment?

This amendment provides that there shall be no discrimination nor segregation in public housing because of race, color, creed, or religion.

Must There Be an Official Notice of the Commission Posted on the Premises?

Yes. Every employer, employment agency, real estate agency, rental office and labor union subject to this law shall post in a conspicuous place or places on his premises a notice prepared by the Commission and called the Summary of the Law, which sets forth excerpts of the law and such other relevant information which the Commission deems necessary to explain the law.

Any employer, employment agency, real estate agency, rental office or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

Is There a Regulation Concerning the Display of an Official Poster In a Place Of Public Accommodation?

At a public hearing held on May 21, 1959 the Commission adopted a regulation ordering all places of public accommodations to display conspicuously a Public Accommodations poster.

Has There Been Any Added Jurisdiction Given the MCAD Since the Amendments of 1950?

Yes. In 1955 the Fair Employment Practice Act was amended. In 1956 the administration of the Fair Educational Practices Law was transferred from the Department of Education to the MCAD. In 1957 the Publicly Assisted Housing Law was enacted. In 1959 the Private Housing Law was passed.

What Does the 1955 Amendment Provide?

No person engaged in insurance or the bonding business may make inquiry or record any information relating to the race, color, religious creed, national origin or ancestry of a person to be bonded.

What Does the Fair Educational Practices Law Cover?

It covers all educational institutions in the state with the possible exception of religious institutions, and then only in regard to religion.

What Does It Declare?

It declares the policy of the Commonwealth to be the American ideal of equality of opportunity requiring that students, otherwise qualified, be admitted to educational institutions without regard to race, color, religion or national origin.

What Is The Purpose of the Publicly Assisted Housing Law?

The prevention and elimination of discrimination because of race, creed, color or national origin in the sale, rental or lease of private housing accommodations which are publicly assisted.

What Are Some Examples of Housing Which is Publicly Assisted?

1. Housing which is tax exempt in whole or in part.
2. Housing constructed under urban renewal programs.
3. Housing accommodations located in a multiple dwelling insured by the Federal Housing Administration or some other agency of the Federal or State Government.
4. Housing accommodations located in a development of ten or more contiguous units, the construction of which has been insured by a governmental agency or which are offered for sale under the FHA or VA mortgage insurance programs.

What Is a Multiple Dwelling?

A dwelling which is occupied as the residence or home of three or more families living independently of each other.

Is There a Later Amendment Concerning Housing?

Yes. Chapter 239 of the Legislative Acts of 1959 broadened the scope of existing legislation in that the law covers private housing consisting of multiple dwelling of three or more or ten or more houses contiguously located.

What Types of Housing Are Covered By The New Law?

The following types of private housing are covered: apartment houses, housing developments consisting of ten or more houses and single houses if the house has been built on "one of ten or more lots of a tract whose plan has been submitted to a planning board as required by THE SUBDIVISION CONTROL LAW."

What Is An Unfair Practice Under the Law?

An unfair practice is:

- a. to refuse to rent, lease or sell to any person or group of persons because of race, creed, color or national origin housing covered by the law;
- b. to discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of such housing or in the furnishing of facilities or services in connection therewith; or
- c. to cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of a person seeking to buy, rent or lease any such housing.

What Is the Attorney General's Ruling Concerning Real Estate Agencies?

On November 24, 1959 Attorney General Edward J. McCormack, Jr. ruled that real estate agencies are places of public accommodation and are subject to the provisions of Chapter 272, Section 98 of the General Laws.

What Constitutes a Violation By a Real Estate Agency?

The ruling declared that it is a violation for a real estate agency to refuse to offer its services to any person or to refuse to accommodate any person as a client because of race, creed, color or national origin.

Are Licensed Real Estate Brokers Subject to the Provisions of the Fair Housing Law?

Yes. Chapter 128 of the Legislative Acts of 1961 amended General Laws Chapter 151B, section 4, subsection 6 to include licensed real estate brokers.

Who Are Prohibited From Employing Unfair Practices Under the Law?

Owners, lessees, sublessees, licensed real estate brokers, assignees or managing agents or other persons having the right to ownership or possession of right to rent or lease, or sell, or negotiate for the sale of the housing accommodations or any agent or employee of such persons.

What Is the Amendment Concerning Mortgage Loans?

Chapter 151B, section 4, subsection 3B of the General Laws, as amended by Chapter 163 of the Legislative Acts of 1960, prohibits any person engaged in

the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan, including but not limited to the interest rate, terms or duration of such mortgage loan, because of his race, color, religious creed, national origin, or ancestry.

Can the Commission Obtain Injunctive Relief Restraining the Sale, Rental or Lease of the Housing Accommodation Involved in a Complaint Before It?

Yes. Chapter 570 of the Legislative Acts of 1961 amended Chapter 151B, section 5 of the General Laws to outline the procedure to be taken by an individual commissioner to petition the Courts for a restraining order which will provide injunctive relief. Such an injunction can only be issued by the Court.

When May the Court Be Petitioned to Grant Such a Restraining Order?

As soon as a determination of probable cause has been made that the allegations of the complaint have been substantiated.

Provided Injunctive Relief Is Granted How Does This Help the Complainant?

The owner of the housing accommodations is restrained from renting, leasing or selling the housing accommodations to any other than the complainant pending the final determination of the Commission in the matter.

What Significant Changes Were Made in the Private Housing Section of the Law?

An amendment was passed in 1963 which provided that every housing accommodation in Massachusetts, except the rental or lease of a vacancy in an owner-occupied two-family dwelling, and of land intended for the erection of housing accommodations could not be denied any person or persons because of the race, color, religious creed, national origin or national ancestry of such person or persons.

What Additional Duties Are Given the Commission?

It is given the power to create advisory agencies and conciliation councils and as is stated in the law:

"The Commission may empower them to study the problem of discrimination in order to foster through community effort . . . good will, cooperation and conciliation among the groups and elements of the population of the Commonwealth . . . and make recommendations to the Commission for the development of policies . . . and for programs of formal education which the Commission may recommend to the appropriate state agency."

PUBLIC HEARINGS

There were five public hearings held during the year of this report.

Four of the hearings were held on complaints involving violations of fair housing practices.

The fifth complaint was concerned with a place of public accommodations.

The Commission was notified that petitions for judicial review have been entered by three of the respondents.

The Findings of Fact, Conclusions, and Orders of the Commission on the five complaints follow:

COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION on relation of
ELSIE DAVIS, *Complainant*

vs.

STEPHEN ECONOMAKOS, CATHERINE M.

BOIS AND CHARLES J. BOIS

No. PrH VI-15-C

This cause came on for hearing before Chairman Mildred H. Mahoney and Commissioners Ben G. Shapiro and Malcolm C. Webber who, upon consideration of all the evidence, set forth their findings, conclusions, and orders as follows:

Findings of Fact.

1. Complainant is a Negro and a resident of the City of Malden.
2. Respondents are the owners of certain real estate located at 17 Upham Street, Malden.
3. The said real estate is improved with a building which contains three separate and independent residential apartments.

On March 11, 1964, there appeared in a newspaper of general circulation in Malden, the following advertisement:

"MALDEN—3rd flr. 4 large rms. Heated. Cont. hot water. Newly papered and painted. Adults. 324-6493 2-5"

324-6495 is the number of the telephone at respondents' apartment. One Cahill, an employee of Malden Redevelopment Authority, saw the said advertisement on the day of its publication. On that same day, he telephoned the number listed in the advertisement. Cahill identified himself to the person who answered the telephone as an employee of Malden Redevelopment Authority. He said that the Authority was looking for housing for families being displaced by the Authority and asked whether he might so list the apartment advertised as being so available. The person who answered the telephone said "O.K."

4. On April 6, 1964, Cahill called respondent's telephone number and made an appointment to show the advertised apartment to prospective tenants. Cahill accompanied complainant to 17 Upham Street at the appointed time. There complainant and Cahill were met by respondent Catherine M. Bois, who offered to, and did, show them the third floor apartment. Complainant indicated a desire to rent the apartment, and tendered a deposit. Said respondent refused the tender and stated that the said apartment had previously been requested for lease by another prospect and that complainant could call said respondent the next day when respondent would inform her of the disposition of the apartment.

5. The following day said Cahill called the number listed in the advertisement. He told the person who answered that he was calling for complainant's family and asked whether the apartment which they had seen the previous night was available. He was told that the apartment was not available because it had been rented previously. Said information was not true. At that time, respondents were offering for rent said apartment to white applicants generally who met requirements which were also met by complainant. Had complainant not been Negro, respondents would have told or instructed whoever answered the phone to tell Cahill that complainant could rent the said apartment, and would have rented the said apartment to complainant.

The following conclusions are set forth:

1. Respondents are the owners of housing accommodations which are offered for lease to the general public by means of a public offering, all within the meaning of G. L. c. 151B, s 1 (13). Respondent, Catherine Bois, was authorized to lease such accommodations.

2. Respondent Catherine Bois refused to lease to, and discriminated against, complainant on account of complainant's color, in violation of G. L. c. 151B, s 4 (7).

3. The orders herein made will effectuate the purposes of c. 151B of the General Laws.

On the basis of the foregoing, and pursuant to G. L. c. 151B, s 5, it is hereby ORDERED by the Massachusetts Commission Against Discrimination, that respondents, their agents and servants,

1. Cease and desist from discriminating against complainant on the basis of color.
2. Forthwith offer to rent to complainant the third floor apartment at 17 Upham Street, Malden, on the same terms and conditions, and at the same rental, as were offered for such rental to other prospective applicants and to hold said offer open for at least fourteen (14) days.

3. Notify this commission within thirty days from the date hereof of your compliance with the foregoing.

Dated at Boston this 23rd day of June, 1964.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION on relation of
BERNARD GRIGGS

vs.

ESTHER SCHLESINGER

and

SALLY HOFFSTEIN

Executive Department

Findings of Fact

Conclusion of Law

Order

PrH VI-55-C

This cause came on for hearing before Chairman Mildred H. Mahoney and Commissioners Ben G. Shapiro and Malcolm C. Webber, who, upon consideration of all the evidence, set fourth their findings, conclusion and order as follows:

Findings of Fact

1. Complainant is a resident of the City of Boston.
2. Respondent Schlesinger resides at 27 Mildreth Street, Dorchester (Boston), and is the owner of real estate located at 10, 12, 16 and 37 Jacob Street, Mattapan (Boston).
3. The buildings located at the said addresses at Jacob Street are divided into, and used as, residential apartments.
4. Said 10 Jacob Street building is divided into 6 such apartments.
5. For several years prior to July, 1964, respondent Hoffstein rented from Schlesinger, an apartment on the third floor of said 10 Jacob Street building, and used that apartment as her (Hoffstein's) residence. On or about July 1, 1964, Hoffstein rented from Schlesinger and moved to an apartment on the second floor of said 10 Jacob Street building, and used that apartment as her (Hoffstein's) residence.
6. On August 11, 1964, complainant visited 10 Jacob Street building for the purpose of looking for an apartment to rent for himself and his mother and father.
7. On August 11, 1964, Schlesinger was vacationing in Connecticut.
8. Prior to August 11, 1964, Schlesinger had never seen or met complainant. Complainant early in July had telephoned Schlesinger's residence and inquired from whoever answered about apartment for rent on Jacob Street, but he did not then identify or describe himself, nor did he otherwise prior to August 11, 1964, have any contact with Schlesinger.
9. On August 11, a third floor apartment at 10 Jacob Street was vacant and available for rent. A "for rent" sign hung outside the building.
10. Outside the premises at 10 Jacob Street, complainant met Hoffstein on the occasion of his visit to the premises August 11, 1964. He there and then asked her whether there was an apartment for rent at 10 Jacob Street. She responded that she thought there was one apartment available at \$70 to \$75 rental per month, but that she was not entirely sure. He did not ask to be shown the apartment. She did not offer to show the apartment. She would have refused his request to be shown the apartment if alone, but not if accompanied by a female. Hoffstein gave complainant her telephone number, which was unlisted, and told him to call if interested in seeing or renting an apartment. In all the foregoing respects, Hoffstein acted no differently toward complainant then she would have toward any male under the same circumstances, regardless of his race or color. Hoffstein did not in fact nor did she intend or try to, discourage complainant from seeking to rent said apartment, nor withhold it from complainant nor impose any impediments to his renting the apartment, nor refuse to discuss the terms of renting the apartment because of his race or color.
11. Schlesinger had never directed or requested Hoffstein to act differently with respect to Negroes than with respect to non-Negroes in the showing of apartments,

nor did she have any contact with Hoffstein concerning complainant until after her return from vacation, August 16, 1964, after these proceedings had commenced.

Conclusions of Law

1. The above facts do not disclose any violation of chapter 151B by either respondent.

2. It is therefore not necessary to determine whether respondent Hoffstein was an agent of respondent Schlesinger for any purpose, and if so, the extent of Hoffstein's authority.

ORDER

The complaint is dismissed.

Position of Commissioner Webber

Commissioner Webber agrees with the foregoing, but would reopen the hearing to take further testimony on events transpiring subsequent to August 16, 1964.

Dated at Boston this 27th day of October, 1964.

COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION On Relation of
DONALD BOYD, COMPLAINANT

vs

EDWARD AND ANTOINETTE BURGESS, RESPONDENTS

No. SPRI-19-C

This cause came on for hearing before Ben G. Shapiro, and Ruth M. Batson, Commissioners, who upon consideration of all the evidence, set forth their findings, conclusions and orders as follows:

Findings of Fact

1. Complainant is a Negro and a resident of the City of Springfield.
2. Respondents are owners of certain real estate located at 113 Center Street, Ludlow.
3. The said real estate is improved with a building which contains at least ten residential units, which are rented to various tenants.
4. The complainant and the respondents never discussed with each other the question of renting or sharing an apartment at the property of the respondents at 113 Center Street, Ludlow.
5. Sometime during the month of August, 1964, one Bernard Courtois, rented an apartment at 113 Center Street, Ludlow, from the respondents at a rental of \$60 per month.
6. Prior to the time that Courtois became a tenant of the respondents, he and the complainant both lived at the Y.M.C.A., 122 Chestnut Street, Springfield, Massachusetts, and were social friends.
7. After Courtois had become a tenant of the respondents, he, on several occasions, asked the respondent, Edward Burgess, whether or not he could share his apartment with a roommate. Respondent, on each occasion, stated that he had no objection to such sharing of said apartment.
8. Subsequent to the conversations referred to in 7. above, Courtois told Edward Burgess that the person with whom Courtois intended to share the apartment was a Negro, the complainant, Donald Boyd. Respondent said that he would have to speak to his wife about it and would have to survey the tenants regarding the matter. Subsequently, when asked by Courtois of the status of the matter, respondent said "we had better not try it," which respondent intended, and Courtois understood, to be a negative answer.
9. If the complainant had not been a Negro, the respondent would not have objected to Courtois' sharing his apartment.
10. The complainant is no longer interested in accepting the housing accommodation which he was denied.

The following conclusions are set forth.

(1) The respondents are the owners of a multiple dwelling a housing accommodation within the meaning of G. L. c. 151B, s 11 (12). Respondent, Edward Burgess, was authorized to rent or lease such accommodations.

(2) Respondent, Edward Burgess, did discriminate against the complainant on account of complainant's color, in violation of G. L. c. 151B, s 4 (6).

(3) The orders herein made will effectuate the purposes of c. 151B of the General Laws.

On the basis of the foregoing, and pursuant to G. L. c. 151B, s. 5, it is hereby ORDERED by the Massachusetts Commission Against Discrimination, that respondents, their agents and servants,

1. Henceforth and in the future case and desist and refrain from making any inquiry, distinction, discrimination or restriction on account of race or color in the leasing or offering for lease any housing accommodation owned or controlled.

2. For a period of one year from this date, to include or cause to be included in any printed or published advertisements of any such housing accommodation, including without limitation, any such newspaper advertisement, the following statement, printed as prominently as the most prominent word elsewhere therein:

"All housing accommodations referred to herein are offered to all qualified persons without regard to race or color."

3. For a period of one year from this date, to cause to be hung on a wall in any rental office used by respondent in connection with the rental of housing accommodations, in a place approved by this commission, a notice in the form attached hereto.

4. To send this Commission on or before the fifth day of each month subsequent hereto for twelve successive months a report, which shall state, for the next preceding month:

(a) The number, location and size by rooms of each apartment which became or was available for rental during said month and which respondent had a right to lease or show to prospective tenants; and the date upon which such apartment became so available.

(b) The name, address and stated requirements of each Negro who inquired about apartments from respondent, but the foregoing shall not authorize the making of any inquiry prohibited by item No. 1 of this order.

(c) Whether respondent rented any such apartment to any such Negro, and if so, which apartment.

5. Forthwith to offer in writing to rent to complainant (with a copy to this Commission), the next apartment within the said building to become available, on the same terms, provisions and conditions as apply to the public generally.

Dated at Boston this thirty-first day of December, 1964.

COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION On Relation of
MARY J. REID, *Complainant*

vs.

JOSEPH H. GARNEAU, *Respondent*
No. SPRI-22-C

This cause came on for hearing before Chairman Mildred H. Mahoney and Commissioners Ben G. Shapiro and Ruth M. Batson who, upon consideration of all the evidence, set forth their findings, conclusions and orders as follows:

Findings of Fact

1. Complainant is a Negro and a resident of the City of Springfield.

2. Respondent is the owner of certain real estate located at 327 St. James Avenue, Springfield.

3. The said real estate is improved with a building which contains sixteen separate and individual apartments. On October 5, 1964 the respondent caused to be printed

in the SPRINGFIELD DAILY NEWS, a newspaper of general circulation in Springfield, the following advertisement:

"FOUR rm. apt., all modern, refrig., gas stove, oil heat. Washer & dryer in basement. Adults. \$74 per mo. 327 St. James Ave., ST 8-9876."

ST 8-9876 is the number of the telephone at respondent's apartment.

4. The complainant read the above-mentioned advertisement, called and made an appointment with the respondent, and pursuant thereto, saw the respondent at the respondent's apartment on October 6, 1964. At that time, respondent told complainant that he (respondent) could not climb the stairs because of a heart condition, and also told complainant that he (respondent) would telephone complainant at a number given to him by the complainant. The next day, October 7, 1964, the complainant received a telephone message from the respondent stating that he had a tenant on the fourth floor who had a friend who was interested in the apartment and that rental to the complaint would depend on whether this friend of the tenant would take the advertised apartment.

5. During the afternoon of October 6, 1964 after the complainant had seen the respondent, one Mary Tuohey, together with a friend, Elizabeth J. LeClair, went to 327 St. James Avenue, Springfield, and the said Mary Tuohey asked to see the apartment that the respondent had advertised as being available. The respondent advised the said Mary Tuohey that he did not have a key but that she would go to the fourth floor and a tenant on the fourth floor would let her see the apartment. The said Mary Tuohey is not a friend or relative of the tenant on the fourth floor or of any tenant living in the apartment of the respondent. The tenant on the fourth floor was not at home. Said Mary Tuohey was able to and did look in through the window of the advertised, vacant apartment; and when the said Mary Tuohey went back downstairs into the respondent's apartment, she gave him her telephone number. During her conversation this day with the respondent in the respondent's apartment, the respondent told the said Mary Tuohey that a woman had been there that morning asking about the advertised apartment but that he did not like her background. The said Mary Tuohey asked the respondent if he would accept a deposit of \$5 or \$10 and the respondent stated that he wanted a \$25 deposit. That same day at about 5:30 P.M. the respondent called the said Mary Tuohey advising her that the janitor of the building was present and that she could see the apartment then and that she could have the apartment if she wanted it.

6. The respondent did not investigate the background of either the complainant or said Mary Tuohey.

7. If the complainant had not been a Negro, the respondent would have offered to rent the said apartment to the complainant.

The following conclusions are set forth:

(1) Respondent is the owner of housing accommodations which are offered for lease to the general public by means of a public offering, all within the meaning of c. 151B of the General Laws.

(2) The respondent withheld the said apartment from, and discrimination against, complainant on account of complainant's color, in violation of G. L. c. 151B, s. 4(7).

(3) The orders herein made will effectuate the purposes of c. 151B, of the General Laws.

On the basis of the foregoing, and pursuant to G. L. c. 151B, s. 5, it is hereby ORDERED, by the Massachusetts Commission Against Discrimination, that respondent, his agent and servants,

1. Henceforth and in the future cease and desist and refrain from making any inquiry, distinction, discrimination or restriction on account of race or color in the leasing or offering for lease any housing accommodation owned or controlled.

2. For a period of one year from this date, to include or cause to be included in any printed or published advertisements of any such housing accommodation, including without limitation, any such newspaper advertisement, the following statement, printed as prominently as the most prominent word elsewhere therein:

"All housing accommodations referred to herein are offered to all qualified persons without regard to race or color."

3. For a period of one year from this date, to cause to be hung on a wall in any rental office used by respondent in connection with the rental of housing accommodations, in a place approved by this Commission, a notice in the form attached hereto.

4. To send this Commission on or before the fifth day of each month subsequent hereto for twelve successive months a report, which shall state, for the next preceding month:

- (a) The number, location and size by rooms of each apartment which became or was available for rental during said month and which respondent had a right to lease or show to prospective tenants; and the date upon which such apartment became so available.
- (b) The name, address and stated requirements of each Negro who inquired about apartments from respondent, but the foregoing shall not authorize the making of an inquiry prohibited by item No. 1 of this order.
- (c) Whether respondent rented any such apartment to any such Negro, and if so, which apartment.

5. Forthwith to offer in writing to rent to complainant (with a copy to this Commission) the apartment described in the advertisement referred to in item 3 of the Findings of Fact unless the same heretofore has been rented to another, in which event to so offer the next apartment to become available, all on the same terms, provisions and conditions as apply to the public generally.

Dated at Boston this thirtieth day of December 1964.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

vs.

LOCAL FINANCE COMPANY OF ROCKLAND

(Executive Department Findings of Fact Conclusions of Law Rulings on Motion Orders PXIV-2-C)

This cause came on for hearing before Chairman Mildred H. Mahoney and Commissioner Ben G. Shapiro, who, upon consideration of all the evidence, set forth their findings, conclusions, rulings and orders as follows:

Findings of Fact

1. Respondent is a trust organized under the provisions of Chapter 182 of the General Laws.

2. Respondent is the holder of a license issued by the Division of Banks authorizing Respondent to conduct the business of making loans subject to General Laws, Chapter 140, Sections 96-114A.

3. Respondent conducts the business for which it is licensed from a street-level office in Rockland. Respondent maintains a sign entitled "Local Finance Company" on the outside of the office. The front door to the office is not locked during business hours. Applicants for loans may enter the office through this door. It is normal procedure for such an applicant to be interviewed and assisted in filling out respondent's form application for a small loan by an employee of respondent.

4. Respondent's application form contains three boxes, labelled "1", "2", and "3" respectively. These boxes are designed for use, and are so used by respondent and its employees, to record information concerning the applicant as follows: If the applicant is white, the box labelled "1" is checked; if the applicant is Negro, the box labelled "2" is checked; if the applicant is of Spanish ancestry, the box labelled "3" is checked.

5. Respondent's ledger cards contain boxes similarly marked, and used for the same purpose as the boxes on the application form.

6. The information contained in the said boxes on Respondent's application is a factor which is considered by Respondent in determining whether to grant an ap-

plicant a loan, white applicants being more favorably considered than are Negro or Spanish applicants.

7. On April 7, 1964, Respondent's general manager, on behalf of Respondent, refused to consider the application for a loan of a person solely because that person was not white.

Conclusions of Law

1. Respondent is a place of public accommodation within the meaning and subject to the provisions of General Laws, Chapter 272, Section 92A and 98.

2. The maintenance and use of the boxes by respondent on its applications and ledger cards, as set forth above, constitutes a distinction on account of color or national origin, in violation of General Laws, Chapter 272, Section 98.

3. The practice of respondent of giving consideration to the color or national origin as set forth above, constitutes a discrimination or restriction on account of color or national origin, in violation of General Laws, Chapter 272, Section 98.

4. The refusal by Respondent to consider an application on April 7, as set forth above, constituted a discrimination or restriction in violation of General Laws, Chapter 272, Section 98.

On the basis of the foregoing, and pursuant to General Laws, Chapter 151B, Section 5, it is hereby **ORDERED** by the Massachusetts Commission Against Discrimination that the respondent Local Finance Company of Rockland, its agents and servants:

1. Cease and desist from considering the color or national origin of any applicant for a loan as a factor in determining whether to grant such applicant a loan.

2. Cease and desist from recording the color or national origin of any applicant on account of respondent.

3. Discontinue the use of application forms and ledger cards with spaces thereon designed for use to record color or national origin of an applicant or account of respondent.

4. Report to this Commission within thirty days from this date on what steps Respondent has taken or is then taking to comply with the foregoing orders.

After the hearing, Respondent moved to dismiss the complaint. The first ground asserted was that the complaint was too vague. Respondent did not make any motion to dismiss or for specifications prior to trial. Its answer does not assert this defense.

Respondent cross-examined witness produced by the Commission vigorously, extensively and knowledgeably. Respondent produced a witness and similarly examined him. We find as a fact that respondent was adequately apprised by the complainant of the nature of the complaint against and was not surprised by the evidence at the hearing. We rule that Respondent did not seasonably raise any objection to the sufficiency of the complaint and can not now raise such objection.

We have considered Respondent's other arguments for dismissal and reject them. Respondent's motion to dismiss is denied.

Dated at Boston this 29th of July, 1964.

PUBLIC HOUSING SURVEY STATISTICS

Each year a survey is made of the tenant selection program and placement policy of twenty-seven Public Housing Authorities to determine that equal opportunity for public housing is accorded all citizens of the Commonwealth regardless of race, color, creed, or religion.

The survey includes the number and names of the completed housing developments as well as the number of units to be constructed during the ensuing year.

All forms and records made out by and for applicants for public housing; the eligibility requirements as to residency, family components, and income of applicants are examined and a census of the non-white tenant population is obtained.

The non-white census figures for 1961, 1962, 1963, and 1964 are reproduced in this section.

BOSTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Broadway	972	14	15	15	19
Camden Street	72	71	71	72	72
Commonwealth	648	18	14	17	19
Faneuil	258	2	2	3	3
Fairmont	202	0	0	0	0
Archdale	288	5	4	4	7
Orient Heights	354	7	5	2	6
Gallivan Boulevard	251	0	0	1	2
Franklin Field	504	13	16	19	26
South Street	132	0	0	0	1
TOTAL	3,681	130	127	133	155
FEDERAL PROGRAM					
Charlestown	1,149	5	4	5	5
Mission Hill	1,023	0	1	3	21
Lenox Street	306	299	298	305	299
Orchard Park	774	179	235	267	458
South End	558	271	275	276	290
Heath Street	420	6	11	49	90
East Boston	414	0	0	0	5
Franklin Hill Avenue	375	16	15	18	28
Whittier Street	200	187	185	192	193
Washington and Beach Sts.	274	2	3	3	3
Mission Hill Extension	588	492	504	518	531
Bromley Park	732	188	196	240	302
Columbia Point	1,504	184	204	285	391
Old Harbor Village	1,016	0	0	0	0
Old Colony	873	2	0	0	0
TOTAL	10,156	1,831	1,931	2,261	2,616
HOUSING FOR THE ELDERLY					
Bickford	64	—	8	8	8
Jamaica Pond	44	—	0	0	0
Annapolis	56	—	1	1	1
Ashmont	54	—	0	0	0
Elm Hill	86	—	15	14	17
Franklin Field	160	—	1	2	11
William J. Foley	96	—	—	1	1
TOTAL	560		25	26	38

BROCKTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Roosevelt Heights	124	10	10	9	7
Washburn Heights	50	0	0	0	0
TOTAL	174	10	10	9	7
FEDERAL PROGRAM					
Hill Street	100	7	8	9	15
HOUSING FOR THE ELDERLY					
Golden Circle	46	0	0	0	0
Melvin Road	64	0	0	0	1
North Warren Ave. Ext.	120	0	0	0	0
TOTAL	230	0	0	0	1

CAMBRIDGE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Woodrow Wilson Court	69	2	3	3	4
Jefferson Park	109	7	9	7	6
Lincoln Way	60	1	2	3	4
Roosevelt Towers	228	21	22	23	25
Jackson Gardens	46	0	0	1	1
Jefferson Park Extension	200	9	11	11	16
TOTAL	712	40	47	48	56
FEDERAL PROGRAM					
Washington Elms	324	38	39	51	56
Putnam Gardens	123	42	43	44	44
New Towne Court	294	14	16	21	23
Corcoran	152	4	5	5	4
John F. Kennedy Apartments	88	—	—	—	2
TOTAL	981	98	103	121	129

FALMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Amvets Avenue	50	5	4	2	3
Mayflower	24	0	0	0	0
TOTAL	74	5	4	2	3
FEDERAL PROGRAM					
HOUSING FOR THE ELDERLY					
Salt Sea	30	—	1	1	1

HOLYOKE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Beaudoin Village	219	1	1	4	2
Minnie R. Dwight Village	42	0	0	0	0
Edwin A. Seibel Apartments	40	0	0	0	0
TOTAL	301	1	1	4	2
FEDERAL PROGRAM					
Jackson Parkway	219	0	0	2	2
Lyman Terrace	167	4	4	16	6
Henry Toepfert Apartments	98	5	16	24	32
TOTAL	484	9	20	42	40
HOUSING FOR THE ELDERLY					
John J. Zeilinski Apartments	64	—	0	0	0
P. A. Coughlin Apartments	55	—	0	0	0
Beaudry Boucher Apartments	31	—	1	1	1
TOTAL	150		1	1	1

NEW BEDFORD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Parkdale	100	3	4	4	3
Blue Meadows	150	14	15	15	14
Nashmont	80	0	0	0	1
Crestview-Westwood (Elderly)	75	2	1	1	1
TOTAL	405	19	20	20	19

FEDERAL PROGRAM					
Bay Village	200	155	163	163	167
Presidential Heights	200	0	2	2	2
Brickewood	300	16	17	15	15
Westlawn	200	44	47	49	51
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TOTAL	900	215	229	229	235

PITTSFIELD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Wilson Park	126	0	0	0	0
Francis Plaza (Elderly)	40	1	1	1	1
Wahconah Heights (Elderly)	68	0	0	0	0
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TOTAL	234	1	1	1	1
FEDERAL PROGRAM					
Victory Hill	99	0	0	1	1

PLYMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Olmstead Terrace and Standish Court	40	2	3	3	3
Castle Hill (Elderly)	47	—	—	4	2
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TOTAL	87	2	3	7	5

SPRINGFIELD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Reed Village	200	18	32	35	61
Robinson Gardens	136	12	12	11	17
Duggan Park	196	16	20	21	21
Carpe Diem (Elderly)	75	1	1	1	0
Harry P. Hogan Apartments	32	3	3	1	0
Forest Park Manor	116	—	—	—	3
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TOTAL	755	50	68	69	102
FEDERAL PROGRAM					
Riverview	348	—	—	34	252
Riverview (Elderly)	40	—	—	—	4
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TOTAL	388			34	256

WORCESTER HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Curtis Apartments	390	5	6	11	9
Lakeside Apartments	204	0	0	0	1
George F. Booth Memorial Apartments	75	0	1	0	0
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TOTAL	669	5	7	11	10
FEDERAL PROGRAM					
Great Brook Valley Gardens	600	19	17	22	23
Mayside Lane Apartments (Elderly)	50	0	0	0	0
Addison Streets Apartments (Elderly)	50	0	0	0	0

Mill Pond Lane Apartments (Elderly)	50	—	—	0	0
TOTAL	750	19	17	22	23

ARLINGTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Menotomy Manor	176	0	2	2	2
Drake Village	72	0	0	0	0
TOTAL	248	0	2	2	2

BARNSTABLE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
General Patton	40	10	12	11	13

BROOKLINE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Egmont Street Development	114	0	4	1	0
High Street Development	117	0	1	2	0
Marion Street Development	60	0	0	0	0
TOTAL	291	0	5	3	0
FEDERAL PROGRAM					
Walnut Street	100	—	2	2	1

CHELSEA HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
	350	0	1	0	0
FEDERAL PROGRAM					
	200	1	2	1	4

EVERETT HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Corbett Hill	268	17	17	17	17
Winthrop Road	60	3	2	2	2
Cherry Street	64	3	3	3	3
Golden Age Circle (Elderly)	40	0	0	0	0
Proctor Road (Elderly)	120	1	1	1	1
TOTAL	552	24	23	23	23

FRAMINGHAM HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Concord Street	110	0	0	0	0
St. Lo Road	75	0	0	0	0
Title V. Arsenault Road	25	1	1	2	3
Oran Road	25	0	0	0	0
Everett Avenue	40	0	0	0	0
TOTAL	275	1	1	2	3
FEDERAL PROGRAM					
Beaver Street	125	1	2	2	1
HOUSING FOR THE ELDERLY					
Arsenault Road	80	0	0	0	1

LAWRENCE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Stadium Courts	236	3	6	3	2
Hancock Courts	195	3	25	9	12
TOTAL	431	6	31	12	14
FEDERAL PROGRAM					
Mettimack Courts	292	4	3	2	4
Beacon Courts	208	0	1	4	3
TOTAL	500	4	4	6	7
HOUSING FOR THE ELDERLY					
Rev. James O'Reilly	83	—	0	0	0
Rev. C. Bertrand Bower	24	—	0	0	0
Msgr. Edmond D. Daly	30	—	0	0	0
Salem and Blanchard Streets	160	—	—	—	0
TOTAL	197		0	0	0

LOWELL HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Gorham Street	292	0	1	5	5
Lakeview Avenue	12	0	0	0	0
Aiken Street	20	0	0	0	0
Concord Street	16	0	0	0	0
Hale Street	15	0	0	0	0
TOTAL	355	0	1	5	5
FEDERAL PROGRAM					
North Common Village	536	0	1	2	2
Chelmsford Street	165	0	0	0	0
Bishop Markham Village	372	3	1	6	6
TOTAL	1,073	3	2	8	8

MALDEN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
	285	1	1	8	18
FEDERAL PROGRAM					
	250	12	12	3	14

MEDFORD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
	230	2	2	3	1
FEDERAL PROGRAM					
	150	2	2	1	2

REVERE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
	286	0	0	0	0
FEDERAL PROGRAM					
	149	0	0	0	0
HOUSING FOR THE ELDERLY					
	82	—	0	0	0

SOMERVILLE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Mystic River	240	0	0	2	0
Clarendon Hill	216	0	0	0	0
Capon Court	64	1	2	1	1
TOTAL	520	1	2	3	1
FEDERAL PROGRAM					
Mystic View	216	1	0	1	1
Highland Garden	42	0	2	0	0
Prospect Hill Towers	100	—	2	1	1
TOTAL	358	1	4	2	2

TAUNTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Riverside Apartments	102	11	13	18	15
Highland Heights	40	2	3	3	4
TOTAL	142	13	16	21	19
FEDERAL PROGRAM					
Fairfax Gardens	150	13	13	14	14
Hillcrest Terrace (Elderly)	24	—	—	1	1
TOTAL	174	13	13	15	15

WATERTOWN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
West End	168	0	0	0	0
East End	60	0	0	0	0
Waverly Avenue (Elderly)	40	0	0	0	0
TOTAL	268	0	0	0	0

WEYMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Memorial Drive	208	1	1	0	0

WINTHROP HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Edward Street	73	0	0	0	0
Viking Gardens	30	—	—	—	0
TOTAL	103	0	0	0	0

WOBBURN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families			
		1961	1962	1963	1964
Creston Avenue	68	0	0	0	0
Webster Avenue	60	0	0	0	0
Liberty Avenue	48	0	0	0	0
Warren Avenue	40	—	—	—	0
TOTAL	216	0	0	0	0
FEDERAL PROGRAM					
Spring Court	100	1	1	1	1

STATISTICAL SUMMARY **BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION**

Current Report Year (1/1/64—12/31/64)

<i>Basis</i>	<i>Employ- ment</i>	<i>Private Housing</i>	<i>Public Housing</i>	<i>Public Accom- modations</i>	<i>Fair Education</i>	<i>Total</i>
Race or Color	112	108	2	22	0	244
Religious Creed	7	0	0	1	0	8
National Origin	16	2	0	2	0	20
Age	234	0	0	0	0	234
Ancestry	2	0	0	0	0	2
TOTAL	371	110	2	25	0	508

DISPOSITION OF CASES CLOSED BY THE COMMISSION **CURRENT REPORT YEAR**

<i>Disposition</i>	<i>Employ- ment</i>	<i>Private Housing</i>	<i>*Public Housing</i>	<i>Public Accom- modations</i>	<i>Fair Education</i>	<i>Total</i>
Final Order						
Cease and Desist*	0	4	0	1	0	5
After Investigation and Conference (Conciliated)	171	57	0	19	1	248
Lack of Probable Cause	39	25	0	5	0	69
Lack of Jurisdiction	23	0	0	0	0	23
Withdrawn	2	3	0	0	0	5
TOTAL	236	88	0	25	1	350

* One case ordered dismissed no violation.

* 56% of complainants involving private housing were offered and/or obtained housing.

Cumulative (11/10/46—12/31/64)

<i>Disposition</i>	<i>Employ- ment</i>	<i>Private Housing</i>	<i>Public Housing</i>	<i>Public Accom- modations</i>	<i>Fair Education</i>	<i>Total</i>
Final Order	2	10	0	2	0	14
After Investigation and Conference (Conciliated)	2860	297	11	240	16	3224
Lack of Probable Cause	890	162	4	144	11	1211
Lack of Jurisdiction	55	29	0	13	0	97
Withdrawn	90	17	1	9	2	119
TOTAL	3895	515	16	408	29	4865

LEGISLATION PROPOSED BY THE COMMISSION

THE COMMONWEALTH OF MASSACHUSETTS **COMMISSION AGAINST DISCRIMINATION,**

41 TREMONT STREET, BOSTON 8, NOVEMBER 2, 1964

THE HONORABLE KEVIN H. WHITE, SECRETARY OF THE COMMONWEALTH, STATE HOUSE,
 BOSTON 33, MASSACHUSETTS.

Dear Sir: In accordance with the provisions of General Laws, chapter 30, sections 33 and 33A, as amended, the Massachusetts Commission Against Discrimination does hereby submit two bills embodying recommended legislation. The drafts of the bills have been submitted to the Counsel for the House of Representatives as required by law.

The recommended bills are:

1. AN ACT RELATING TO DISCRIMINATION AGAINST EMPLOYEES AND PERSONS SEEKING EMPLOYMENT BECAUSE OF SEX.
2. AN ACT PERMITTING THE KEEPING OF RECORDS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, AGE AND ANCESTRY AS DIRECTED BY THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

On 1 July 1965 the Civil Rights Act of 1964 will become effective. Included in the federal law is the prohibition of discrimination in employment based on sex. So that the federal law will not preempt this area of unlawful employment discrimination this Commission is sponsoring legislation to include the word "sex" as part of the formula of race, color, religious creed, national origin, age and ancestry.

Section 709 of Title VII of the Civil Rights Act of 1964 contains provisions which will require employers subject to the act to maintain records of the race, color, etc., of employees as directed and supervised by the Equal Employment Opportunity Commission.

So that Massachusetts law will not be in conflict with the federal law this Commission is sponsoring the above-referenced bills to avoid such a conflict arising in this area of employment record keeping.

Respectfully submitted,
Massachusetts Commission
Against Discrimination.

By: WALTER H. NOLAN,
Executive Secretary.

H.46

THE COMMONWEALTH OF MASSACHUSETTS

AN ACT RELATIVE TO DISCRIMINATION AGAINST EMPLOYEES AND PERSONS SEEKING EMPLOYMENT BECAUSE OF SEX.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Subsection 6 of section 3 of said Chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 3, the word: —, sex.

Section 2. Subsection 8 of said section 3 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 7, the word: —, sex.

Section 3. Subsection 9 of said section 3 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 4, the word: —, sex.

Section 4. Subsection 1 of section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 2, the word: —, sex.

Section 5. Subsection 2 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 2, the word: —, sex.

Section 6. Subsection 3 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "origin", in line 7 and in line 10, in each instance, the word: —, sex.

Section 7. Section 9 of said chapter 151B, as so appearing, is hereby amended by inserting after the word "age", in line 12, the words: — or repeal any provision in chapter one hundred and forty-nine which establishes standards, terms or conditions of employment which are applicable to females only.

Section 9 of said chapter 151B, as so appearing, is hereby further amended by inserting after the word "origin", in line 8, the word "sex", — so as to read as follows: — Section 9. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provision hereof shall not apply, but nothing contained in this chapter shall be deemed to repeal section ninety-eight of chapter two hundred and seventy-two or any other law of this commonwealth relating to discrimination because of race, color, religious creed, national origin, sex or ancestry, and nothing contained in this chapter shall be deemed to repeal sections twenty-four A to twenty-four J, inclusive, of chapter one hundred and

forty-nine or any other law of the commonwealth relating to discrimination because of age or repeal any provision in chapter one hundred and forty-nine which establishes standards, terms or conditions of employment which are applicable to females only; but, as to acts declared unlawful by section four, the procedure provided in this chapter shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, he may not subsequently resort to the procedure herein.

H.47

THE COMMONWEALTH OF MASSACHUSETTS

AN ACT PERMITTING THE KEEPING OF RECORDS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, AGE AND ANCESTRY AS DIRECTED BY THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 4, subsection 3, of chapter 151B of the General Laws, is hereby amended by changing the period at the end of the subsection to a comma and by adding thereafter the following:—except pursuant to the following provisions:—any employer, employment agency or labor organization shall make and keep such records which are necessary to comply with section 709 of the Civil Rights Act of 1964, of which the commission deems desirable to effectuate the purposes of this chapter and as may from time to time be ordered by the commission. The commission may prescribe by regulation such standards or rules as may be appropriate to effectuate the provisions hereto. No employer, employment agency, or labor organization shall make or keep any such record except pursuant hereto; and all such records shall be taken in a manner, and kept for such time, and in all respects shall be subject to the supervision and control of the commission.

LEGISLATION FAVORED BY THE COMMISSION

The MCAD will favor enactment of the following bills:

- H-997 To clarify the right of the MCAD to award compensatory damages.
- H-998 To remove the 3-day notice requirement for obtaining injunctions against respondents in housing complaints.
- H-46 To add sex as a basis of discrimination in addition to the existing formula of race, color, religious creed, national origin, age or ancestry.
- H-2328 "True name" bill requiring public notice of the identity of owners and persons in control of real estate.
- H-776 To include commercial real estate within the fair housing laws.

Three bills, S-316, H-47 and S-657, would allow employers to maintain records on race, color, creed or national origin after employment. These bills, designed to meet the same problem, entail differences vital to the operation of the law and the enforcement by the MCAD of the pending Federal Civil Rights Bill. The MCAD will support H-47, its own bill.

LEGISLATION OPPOSED BY THE COMMISSION

The MCAD will oppose enactment of the following bills:

- H-779 To increase the exemption under the fair housing practice law from owner-occupied 2-family dwellings to owner-occupied 3-family dwellings.
- S-652 Would change the name of the MCAD to the Massachusetts Commission for Human Rights and augment the Commissioners to seven thus adding three. The term of office would be extended from four to five years. Salaries would be increased to \$12,500 for the chairman and \$9,000 for the members respectively.

The following bills all apply to some aspect of the same subject matter, "slumlords".

S-516 "Slumlord" bill to enforce minimum standards of fitness for human habitation under the state sanitary code.

H-1623 Same as S-516

S-517 "Slumlord" bill to enforce the sanitary code in tenement houses by appointment of receivers and establishment of a revolving fund.

S-2372 Same as S-517

S-257 "Slumlord" bill—proof of violation of state sanitary code shall be grounds for defense against eviction proceedings.

H-3160 Same as S-257

H-2342 Calls for creation of a special commission to investigate the desirability for establishing a housing court or other agency to deal with relationship between landlords and tenants and the laws, codes and regulations governing that relationship.

Although these bills, if enacted, would not in any way involve the MCAD in their administration, their subject matter greatly conditions minority groups. For this reason the Commission is interested in enactment of a bill which would afford additional protection to the minority groups.

FAIR EDUCATIONAL PRACTICES LAW

Ever since 1956 when the Commission was given the added authority of administering the Fair Educational Practices Act the admissions offices of colleges and secondary independent schools have been kept informed of the policies of the MCAD. It is our belief that students may make application to any of the educational institutions in this state and receive fair treatment. These offices understand that they may not ask an applicant any question concerning his (or her) ethnic origin, religious inclination or racial background. The few cases which have come to the attention of the Commission have dwindled down to zero in the past year. Copies of the application blanks from each institution have been annually reviewed and schools no longer refer to "quotas" in their catalogues. We feel that there is generally cooperation with the letter and the spirit of the existing fair educational practices laws amongst the independent educational institutions of the State. School enrollments in these schools indicate a proliferation of representatives from minority groups in the student membership lists. Certainly, no complaints of discrimination in admission have been received and no substantiated rumors have been found worthy of an extensive investigation by the Commission.

UNIT OF STUDY

"DISCRIMINATION — DANGER TO DEMOCRACY"

Some ten years or more ago, the Commission cooperated with the State Division of Civic Education in the publication of a unit of study for secondary schools entitled "Discrimination, Danger to Democracy". Many thousands of these booklets have been printed and distributed to Colleges, Teachers' Colleges, Independent Secondary Schools and public high schools. They have been used in such courses as "Problems of Democracy", and other related fields in the social studies. Dr. Thomas J. Curtin, now Deputy State Commissioner of Education, who was largely responsible for the material contained in the first issues, has seen to it that copies were made available for all students in the State Colleges for Teachers. The State Department of Education has approved of offering these study units to all of the secondary schools in the State.

Over the years at least fifty high and preparatory schools have taken advantage of the Commission's willingness to supply ample numbers of the booklets so that each student in a given course could have a "take-home" copy. Last year our Educational Adviser, Dr. Clarence P. Quimby, who has collaborated with Dr. Curtin in the last two revisions of the study unit, placed about 4000 copies in several of the large city high schools in Massachusetts. Superintendents, principals and teachers under whose direction the booklets were used, have been asked to comment on their educational

value. A complete report will be made available in next year's annual report of the Commission. Requests for copies exhausted our supplies in 1964 but teachers will find ample numbers available for the 1965-66 programs.

The 1965 revision of the "Discrimination, Danger to Democracy" booklet will have several suggestions which we believe will be helpful in presenting the State and National Civil Rights challenges. There is a brief story of the anti-discrimination movement in Massachusetts, culminating in the various laws now on the statute books. Discrimination is defined and prejudice explained. Our educational system "has the responsibility of imparting the kind of information and providing the means of action whereby young people hopefully may grow up equipped with sound and wholesome understandings and a will to behave as good citizens behave".

Certain activities are suggested to motivate a living interest in the sociological problems which are likely to be found in many communities. These include writing slogans; writing on the theme "A Lesson My Parents Taught Me About Understanding, Respect, and Good Will for Others"; preparing a socio-drama in which students depict former U. S. Presidents and quote them with respect to "good will towards men"; selecting all-American teams in various sports and note the different racial stocks involved.

Quotations from great national documents are given to show that we have historic expressions of basic American rights. These are followed by an enumeration of the various federal and state agencies which are concerned with the promotion and protection of civil rights. The 19 States which have organized F E P Commissions and Commissions Against Discrimination are enumerated so that students may get information on other state organizations if they wish to do so. Questions for debate or round-table discussion are suggested. In addition there are several pages of up-to-date reading matter, classified for teachers, for above average students and for all students.

Perhaps the most useful part of the Unit will be found to be the appendix containing twelve case histories illustrative of the work of the Massachusetts Commission Against Discrimination. These cases were selected from the Commission's files to illustrate almost every kind of complaint made to or instituted by the Commission since its organization in 1946. Enough facts about complainant and respondent are given to permit the student to see how the problems arise, how divergent opinions are analyzed and treated and how the Commission has acted in the various confrontations. Such issues as fair employment practices, fair housing practices, fair treatment in school admissions, fair treatment in the occupancy of motel accommodations, and other examples of the struggle to insure fair play for all, are exemplified in these interesting case histories.

The usefulness of the Study Unit has been generally acknowledged by the teachers to whom it has been introduced. The Commission is ready to make suggestions for the practical use of the booklets whenever a school system requests such aid. Copies of the new edition will be available, we expect, in April or May, but will certainly be ready for distribution for the opening of schools in September. Teachers should ask for as many copies as there are students in their various divisions. Send such requests to; Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston 8, Massachusetts.

RESEARCH DIVISION

With the appointment of a Research Director, a new Research Division was established in April. With the Director, the Commission examined opportunities for expanding its research facilities. It was felt that research could play a role in helping the Commission study case trends and problems, as well as in providing the general community with data and insights on discrimination in Massachusetts, but the program would have to be adapted to a time of shifting concerns and emphasis in civil rights and realistically geared to the Commission's limited research funds and personnel.

By December, the tentative outlines for a research program with two functions—internal and external—had been sketched in; some pilot approaches and studies had

been completed and others had been readied for application; and an experimental organizational framework, predicated on professional volunteer assistance, was in low gear with hopes of picking up speed in 1965:

The following projects were completed in 1964:

1. An analysis of a Harvard University doctoral dissertation based on the Commission's work, prepared for the Commissioners and members of a special study committee appointed to evaluate the Commission's administration of the anti-discrimination law.

2. The organization of a Research Advisory Council, representing major academic centers, and several social and public agencies, to provide active consultation on long-range and on-going Commission research and assist in the formation of a "corps" of technical and administrative volunteers.

3. The design and testing in 10 interviews of a follow-up questionnaire-technique for successful housing cases, in which complainants, respondents and others are interviewed six months after a complainant receives a housing accommodation by a disposition of the Commission, to determine whether the complainant has remained and the degree of integration he has achieved.

4. Coordination with the industrial-conferential program on minority employment patterns, headed by Commissioner Ruth M. Batson, for which the Research Division prepared draft questionnaires, equal opportunity statements, and gathered pertinent background materials for investigations of minority employment trends in hotel and taxicab industries.

5. A pilot study of the major utilities in Boston, currently engaged in equal employment programs to open new opportunities for Negroes, based on depth-interviews of leading officers of three companies and a written report on white-Negro employment statistics. Problems in launching such programs and new techniques for reaching the Negro community were aired.

6. Analysis of data gathered in 1963 on Negro employment by 25 Worcester retail stores. 2% of the total employee population was Negro; but only little more than one-half of one percent of these were employed in "visible" occupations.

7. Analysis of data gathered in 1963 on disposition of Negroes in 216 business concerns in Pittsfield. A useful initial-step survey of a community, with a Negro population totaling under 1% of the total population.

The following projects were readied for completion in 1965:

1. A communications survey, to determine the degree and problems of public awareness of MCAD powers and functions. Fully designed by December 1964, the survey was conceived as a mailed questionnaire to a cross-section of active civil rights workers. Hopefully, findings will assist in development of new public education programs on the Commission and the laws it administers.

2. A study of the initial employment experiences of Negro and white recent vocational school graduates in Boston, planned in cooperation with the Social Relations Department, Johns Hopkins University in Baltimore, under a grant from the Social Security Administration. Arrangements with the Boston School System for simple data on local graduates were almost completed by December, 1964.

3. A survey of anti-discrimination policies and practices of state governmental agencies administering contracts with private companies was designed and methods of administering a pilot study with a few agencies initially were explored.

The following projects were intensively explored as likely longer-range possibilities:

1. A coding system for MCAD cases to permit study of case characteristics and trends as a guide to the Commissioners in their continuing administration of the laws.

2. A research coordinating service to assist scholars and agencies in Massachusetts on administrative problems involved in research in discrimination to provide them with statistical documentation and bibliographies, and stimulate new research designed to fill continuing research gaps.

ATTORNEY GENERAL'S RULING

Mr. Walter H. Nolan
Executive Secretary
Massachusetts Commission
Against Discrimination
41 Tremont Street
Boston, Mass.

Dear Sir:

You have requested my opinion of the legality of Ruling No. 2 of the Rulings Interpretative of the Fair Employment Practice Law, which provides as follows:

"Inquiries, answers to which would directly or indirectly disclose a person's race, color, religious creed, national origin, age or ancestry, are designated as unlawful practices when such inquiries are made PRIOR to employment unless based upon a bona fide occupational qualification. No restriction is placed on inquiries made AFTER employment provided the information obtained is not used for purposes of discrimination."

The Commission is authorized by G. L. c. 151B, ss. 2, 3 (5) to promulgate regulations which effectuate the policies of the chapter. The answer to your request depends upon whether Ruling No. 2 does effectuate any such policy.

The Fair Practices Laws consider the problem of inquiries in four places. In three of these, relating to fair practices in bonding and insurance, housing and education, inquiries into certain matters are prohibited only when asked of applicants. It is, accordingly, unlawful:

"For any person engaged in the insurance or bonding business, or his agent, to make any inquiry or record of any person seeking a bond or surety bond conditioned upon the faithful performance of his duties or to use any form of application, in connection with the furnishing of such bond, which seeks information relative to the race, color, religious creed, national origin or ancestry of the person to be bonded." G. L. c. 151B, s. 4 (3A);

for a person covered by the fair housing practices law:

"to cause to be made any written or oral inquiry or record concerning the race, creed, color, national origin or national ancestry of the person seeking to rent or lease or buy any such accommodation or land. . . ." G. L. c. 151B, s. 4 (7); see also *id.* s. 4 (6);

or for an educational institution:

"To cause to be made any written or oral inquiry concerning the race, religion, color or national origin of a person seeking admission. . . ." G. L. c. 151C, s. 2 (c).

The Fair Employment Practice Law, however, contains broader language. It is an unfair employment practice:

"For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religious creed, national origin, age or ancestry, or any intent to make any such limitation, specification or discrimination, or to discriminate in any way on the ground of race, color, religious creed, national origin, age, or ancestry, unless based upon a bona fide occupational qualification." G. L. c. 151B, s. 4 (3).

The use of the language, "in connection with employment" rather than "in connection with the furnishing . . ." or "seeking . . ." which are used in the other quoted sections cannot be assumed to have been accidental. It must be remembered that an inquiry of the type proscribed need not necessarily be discriminatory. Indeed, there are circumstances under which dynamic social progress requires that records be made which distinguish between various racial or religious groups or the like. and there must be inquiries to achieve this goal. The legislative prohibition on inquiries and records must reflect determinations that such inquiries themselves often evoke consciousness of difference for reasons which the statute's basic policy opposes; and that the dangers that those whose propensities are discriminatory would utilize

information derived from the inquiries or records to work discrimination in ways too subtle easily to detect exceed any good which might on occasion result. It is perfectly within the legislative province to determine that the relative importance of the factors will vary among the several areas of human activity which are covered by the Fair Practice Laws. In my considered judgment, s. 4(3) is based upon a finding, which seems credible in the light of human experience, that the employer-employee relationship, as opposed to those others to which the statutes relate, is such that the inquiries or record-keeping described in s. 4(3), at any time create excessive dangers and ought to be proscribed.

Records concerning age are treated separately by the statutes. Sections 24A-24J of c. 149 are not repealed by c. 151B. G. L. c. 151B, s. 9. Section 24D of c. 149 requires employers to keep "records of the ages of all persons employed by him." Reading together G. L. c. 151B, s. 4(3) and G. L. c. 149, s. 24D, the employer is prohibited by s. 4(3) from making inquiries or keeping records of the ages of applicants; but must keep such records of actual employees.

For the foregoing reasons, it is my considered judgment that Rule 2 is a proper rule in so far as it relates to age; but is otherwise unlawful.

Very truly yours,

EDWARD W. BROOKE

MEMORANDA OF AGREEMENT WITH THE FEDERAL GOVERNMENT

FEDERAL-STATE COOPERATION to achieve EQUAL OPPORTUNITY IN HOUSING

Memorandum of Understanding between

The President's Committee on Equal Opportunity in Housing and

The Commonwealth of Massachusetts Commission Against Discrimination

The President's Committee on Equal Opportunity in Housing (President's Committee) pursuant to Presidential Executive Order No. 11063 of November 20, 1962 (Executive Order), and the Commonwealth of Massachusetts Commission Against Discrimination (State Commission), pursuant to Annotated Laws of the Commonwealth of Massachusetts, Ch. 121, s. 26FF (e) (Supp. 1961); Ch. 151B, ss. 1 to 10 (Supp. 1961), as amended 1963; Chs. 197, 469, 613; Ch. 6, s. 56 (Supp. 1961), as amended 1963, Ch. 719; Ch. 112, s. 87-AAA (Supp. 1961) on behalf of their respective programs and fields of responsibility enter into this Memorandum of Understanding to achieve equal opportunity and a free choice in housing and agree:

I *Independent Fields of Responsibilities*

Neither the Executive Order and the fields of responsibility thereunder, nor the State Laws and the fields of responsibility thereunder is intended to preempt or supersede the other, and each such Executive Order and State Laws, including the respective fields of responsibilities, administration, and enforcement thereof, is separate and independent of the other.

II *Liaison and Exchange of Information*

Cooperation between the President's Committee (including departments and agencies covered by the Executive Order) and the State Commission in the performance of their respective fields of responsibilities, including compliance and enforcement programs, is properly in the public interest to assure fair, effective, and efficient administration, and accordingly:

A. The President's Committee and each department and agency in the Executive Branch of the Federal Government, insofar as any such department's or agency's functions relating to the provision, rehabilitation, or operation of housing and related facilities in the Commonwealth of Massachusetts are subject to the Executive Order, will furnish the State Commission copies of applicable orders, rules, regula-

tions, procedures, and policy issuances implementing the Executive Order and any amendments and supplements thereto as may thereafter be issued; and

B. The State Commission will furnish the President's Committee and the several departments and agencies, covered by the Executive Order and operating in Massachusetts, copies of its rules and regulations, procedures and policy issuance implementing the State Laws and any amendments and supplements thereto as may hereafter be issued; and

C. Compliance with the Executive Order being the primary duty of the departments and agencies in the Executive Branch of the Federal Government having responsibilities under the Executive Order, each such department and agency will (1) designate an officer or officers who will be responsible for liaison between the State Commission and such department or agency and promptly advise the State Commission of such designations, and (2) furnish to the State Commission, through designated liaison channels, copies of the applicable rules and regulations, procedures and policy issuances referred to in II-A above, and such program and operating information as may be appropriate to the responsibilities of the State Commission; and

D. The State Commission will (1) designate an officer or officers who will be responsible for liaison between the President's Committee and the departments and agencies in the Executive Branch of the Federal Government having responsibilities under the Executive Order and operating in Massachusetts and (2) furnish to the President's Committee and such departments and agencies, through designated liaison channels, copies of applicable State Commission rules and regulations, procedures and policy issuances referred to in Item II-B above, and such program and operating information as may be appropriate to the responsibilities of the President's Committee and of such departments and agencies.

III *Compliance and Enforcement Cooperation*

As may be appropriate to their respective fields of responsibilities, the President's Committee (directly or through department and agency liaison channels) and the State Commission each will, in accordance with applicable law, cooperate with and advise the other on all matters of enforcement and compliance, including the exchange of information as to complaints filed, hearings and related proceedings, and final compliance action taken and thereby assure fair, effective, and efficient administration in achieving the goal of equal opportunity in housing.

IV *Implementing Documents*

In furtherance of the Federal-State cooperation contemplated by this Memorandum of Understanding to assure the achievement of equal opportunity and a free choice in housing, without discrimination based on race, color, creed, or national origin, it is understood and agreed that the State Commission and each department and agency covered by the Executive Order may, to the extent permitted by applicable Federal and State law and not inconsistent herewith, also enter into separate cooperation agreements, amend any existing cooperation agreements, and issue or execute other documents as may be deemed necessary to appropriate to present detailed plans or otherwise to implement enforcement and compliance rules, policies and procedures in the fields of their respective responsibilities.

Executed by the undersigned, on the dates shown below, pursuant to the respective authorizations of the President's Committee on Equal Opportunity in Housing and the Commonwealth of Massachusetts Commission Against Discrimination:

MILDRED H. MAHONEY

Chairman

Commonwealth of Massachusetts
Commission Against Discrimination
(May 21, 1964)

DAVID LAWRENCE

Chairman

President's Committee on Equal
Opportunity in Housing
(May 21, 1964)

MEMORANDUM OF UNDERSTANDING

To achieve stronger programs for equalizing employment opportunity and to permit program administration which is simpler and more effective for the administering agencies and the parties involved, THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY and the MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION propose to engage in cooperative undertakings. These agencies share the conviction that their objectives are best served by exchanging information, achieving close liaison in case handling where there are substantial common interests, and participating in concerted endeavors as needs arise and when not prohibited by law or administrative regulations.

To commence the accomplishment of this objective, THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY and the MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION will undertake the following arrangements as soon as practicable:

1. Cooperation between the agencies will be greatly facilitated by increased knowledge of the other's operations. Therefore, in addition to exchanging all annual and other official reports relating to caseload and agency programs, each agency will regularly inform the other of its complaint cases which involve persons who might also have been served by the other agency.

2. Communication between groups is best accomplished if there is an established point of contact. Therefore, each agency will designate one of its officers as Liaison Officer with the other agency.

3. An important opportunity for cooperation which will benefit all concerned occurs when a person complains about the same matter to both agencies. Therefore, the procedure for processing complaints in each agency will include a request of each complainant as to whether he had filed a companion complaint with the other agency. If he has done so, the Liaison Officer will contact at Liaison Officer of the other agency so that information can be exchanged between them. The amount of information exchanged will be governed by the organization's obligation to its government and its obligation to the parties involved in the proceedings before it in each case. The information will include copies of the formal process papers in the case, particularly the complaint and the final determination. Agency investigations of companion complaints will be coordinated, where practicable.

4. The public cannot be effectively served unless it is acquainted with the services available. Therefore, each agency will inform its complainants of the services which may be available to him from the other agency, including such descriptive literature as has been made available, unless the complainant has already filed a companion complaint with the other agency.

5. In keeping with the spirit of this agreement, the respective agencies will seek to establish and sustain active liaison and cooperation in major programs and techniques of education, information, and affirmative action.

6. The statistical data necessary to the operations of both agencies can be most effectively collected and analyzed by each agency if the data sought is compatible and, even more desirable, if the data sought is identical. The agencies will immediately undertake discussions to accommodate their reporting systems to this end.

THE PRESIDENT'S COMMITTEE ON
EQUAL EMPLOYMENT OPPORTUNITY

By HOBART TAYLOR, JR.
Executive Vice Chairman

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION

By MILDRED H. MAHONEY
Chairman

August 6, 1964

August 6, 1964

*Memorandum of Understanding
between
Massachusetts Commission Against Discrimination
and
The Federal Housing Administration*

The Federal Housing Administration, hereinafter referred to as FHA, pursuant to Presidential Executive Order No. 11063 of November 20, 1962, (Executive Order on Equal Opportunity in Housing) and FHA Regulations (Sections 200/300 to 200.355) issued thereunder, and the Massachusetts Commission Against Discrimination, hereinafter referred to as the Commission, pursuant to the Massachusetts Fair Practices Act (Massachusetts General Laws Chapter 151B, as amended), on behalf of their respective programs and fields of responsibilities in housing enter into this Memorandum of Understanding to provide cooperation and mutual support in their respective efforts to achieve equal opportunity in housing and to assure compliance with the said Executive Order, and FHA Regulations, and said Massachusetts Fair Practices Act and the regulations thereunder, by those individuals or firms utilizing the programs of FHA agree as follows that:

1. In the furtherance of the objectives of this Memorandum of Understanding, as new programs in housing are authorized by law or as FHA develops new procedures or revises old procedures, it will incorporate such notices, certificates and provisions in its forms and agreements as it deems necessary and feasible in a manner and form similar to the notices, certificates and provisions currently contained in FHA forms and agreements and required to be executed by individuals and firms utilizing the programs and services of FHA, such as the notices, certificates and provisions contained in the documents set forth in sub-sections (a), (b) and (c) of paragraph 4 herein and which are made a part of this agreement as fully as if they had been expressly promulgated for this purpose.

2. During the first week of each month, the FHA will provide the Commission with regular lists of proposed project approvals made by it during the preceding month. These lists will include such non-confidential matters as location and number of lots or number of apartments, as the case may be, proposed price range and identity of sponsors and builders and, if known, the mortgages.

3. Upon receipt of such notification, if it has not previously done so, the Commission will provide all such FHA program participants in the Commonwealth of Massachusetts with copies of the Massachusetts Fair Practices Act and the Regulations issued thereunder.

4. a. The FHA Application Forms for Mortgage Insurance contain a notice concerning state anti-discrimination laws in general terms, as follows:

STATE LAWS—DISCRIMINATION AND SEGREGATION

FHA suggests that care be exercised by those building rental or sales housing to determine that there is full compliance with any state or local laws outlawing discrimination and segregation in housing financed with Federal Government insurance or guarantees or publicly assisted housing.

The FHA expects you to conduct your operations in conformity with the provisions of state or local laws. Any instance where the Commissioner finds that a valid determination has been made of your non-compliance with any applicable anti-discrimination or anti-segregation laws, may result in no further extension of FHA business with you pending the satisfactory correction of the non-compliance.

b. Each applicant requesting issuance of FHA Letter of Subdivision Feasibility, shall be required to sign a certificate contained on Form 2084 setting out an agreement in the following language:

"By submitting the accompanying request for site eligibility and signing this certification, the builder, developer, seller or other signatory agrees with the Federal Housing Administration that pursuant to the requirements of the FHA Regulations, (a) neither it nor anyone authorized to act for it will decline to sell, rent or otherwise make available any of the properties or housing in the subdivision to a prospective purchaser or tenant because of his race, color, creed or national origin;

(b) it will comply with state and local laws and ordinances prohibiting discrimination; and (c) failure or refusal to comply with the requirements of either (a) or (b) shall be a proper basis for the Commissioner to reject requests for future business with which the sponsor is identified or to take any other corrective action he may deem necessary to carry out the requirements of the Regulations."

c. Each applicant requesting Pre-Application Analysis of Multi-family Housing Proposals shall be required to sign a certificate contained on FHA Form No. 2012 setting out an agreement in the following language:

Agreement

"The undersigned agrees with the Federal Housing Administration that pursuant to the requirements of the FHA Regulations, (a) neither it nor anyone authorized to act for it will decline to sell, rent or otherwise make available any of the properties or housing in the multifamily project to a prospective purchaser or tenant because of his race, color, creed or national origin; (b) it will comply with state and local laws and ordinances prohibiting discrimination; and (c) failure or refusal to comply with the requirements of either (a) or (b) shall be a proper basis for the Commissioner to reject requests for future business with which the sponsor is identified or to take any other corrective action he may deem necessary to carry out the requirements of the Regulations."

The Regulatory Agreement entered into at the time of endorsement for insurance shall also contain a provision in the following language:

"Owners agree that there shall be full compliance with the provisions of (1) any state or local laws prohibiting discrimination in housing on the basis of race, color, creed, or national origin; and (2) with the Regulations of the Federal Housing Administration providing for non-discrimination and equal opportunity in housing. It is understood and agreed that failure or refusal to comply with any such provisions shall be a proper basis for the Commissioner to take any corrective action he may deem necessary including, but not limited to, the rejection of future applications for FHA mortgage insurance and the refusal to enter into future contracts of any kind with which the Owners are identified; and further, if the Owners are a corporation or any other type of business association or organization which may fail or refuse to comply with the aforementioned provisions, the Commissioner shall have a similar right of corrective action (1) with respect to any individuals who are officers, directors, trustees, managers, partners, associates or principal stockholders of the Owners; and (2) with respect to any corporation or any other type of business association, or organization with which the officers, directors, trustees, managers, partners, associates or principal stockholders of the Owners may be identified."

5. FHA will instruct all approved FHA mortgagees in Massachusetts that FHA has agreed to cooperate with the Massachusetts Commission Against Discrimination in its effort to assure compliance with the Massachusetts Fair Practices Act. The FHA will ask the mortgagees to acknowledge the fact that they are aware of the Massachusetts Fair Practices Act as it relates to fair housing practices. FHA will also ask the mortgagees to acknowledge that they are aware of the Agency procedure which could produce a withdrawal of the mortgagee's FHA approval if there is a valid determination of non-compliance with the provisions of the Massachusetts Fair Practices Act by the mortgagee.

6. The Commission will advise FHA of the receipt of any complaints involving housing under any of the FHA insurance programs. When notified by the Commission of any violations allegedly affecting FHA insured housing, the FHA Commissioner will make the appropriate check to ascertain that the violation does in fact involve an FHA insured loan. If, at the conclusion of the public hearing by the Board of Review, the allegation of a violation of the Massachusetts Fair Practices Act is sustained, the FHA Commissioner, upon being informed by the Commission of these findings, will promptly review the facts as developed, advise the violator of the appropriate action necessary to remedy the aforesaid violation, and if he or it fails to do so promptly, then the FHA Commissioner shall suspend processing of any further applications received in which the offending individual, firm or corporation is involved.

When the Commission satisfactorily conciliates any violation of the Massachusetts Fair Practices Act, it will give FHA all pertinent facts involved. The FHA Commissioner will review the facts and where appropriate will resume processing applications presented by the offending individual, firm or corporation.

If a situation should arise in which the same party were charged with acts of discrimination in violation of FHA Regulations as well as the State Law, FHA will still render the Commission its fullest cooperation and collaboration, but, nevertheless, it reserves unto itself the right to take such appropriate action as it considers necessary in order to fulfill its responsibilities required by its regulations without awaiting the completion of any action or procedural requirements of the Commission. In such a situation, however, FHA will keep the Commission informed of the facts and of the actions involved in any such independent procedures.

7. The Massachusetts Insuring Office and the Regional Multifamily Office will provide the Commission with a list of the acquired properties under its jurisdiction. These lists will be kept reasonably current by monthly supplements showing properties removed from availability and properties that have become available. A completely revised list will be furnished at intervals of not more than six months nor less than four months after the date of the initial list. The lists will also contain the names and addresses of the management brokers handling rental properties. The for sale properties are handled on a general or open listing.

8. The Director of the local Insuring Office and the Director or the Multifamily Representative of the Regional Multifamily Office will be the liaison officers between the FHA and the Commission in all matters under the jurisdiction of their respective offices, and may from time to time review and evaluate the procedures which have been established.

9. FHA will notify all local public agencies and others with which it does business of its policy to operate on a non-discriminatory basis and requests the local public agencies and others to make this policy clear to prospective builders, redevelopers, mortgagors and all other persons subject to the provisions of the Massachusetts Fair Practices Act.

10. Upon written advance notice giving a reasonable time, FHA will make available to the Commission any required information not customarily regarded by the FHA as of a confidential nature, which is pertinent to the housing accommodations involved in a specific complaint or for an educational program conducted by the Commission.

11. FHA will advise the Commission of situations involving FHA programs which appear to be a violation of the Massachusetts Fair Practices Act.

12. Upon request, the Commission will allow FHA the use of the services of its investigatory facilities in instances where the use of such services may be feasible and are available.

13. The Commission will inform FHA of its findings of any study or investigation conducted by it pertaining to open occupancy or fair housing opportunities for minorities.

This Agreement shall become effective as of the date it is executed on behalf of the Commission.

PHILIP N. BROWNSTEIN

Commissioner

Federal Housing Administration

December 2, 1964

MILDRED H. MAHONEY

Chairman

Massachusetts Commission

Against Discrimination

December 2, 1964

COMMISSION ADVISORY AND REGIONAL COUNCILS — 1964

The Commission has over the years obtained the cooperation of and worked with representative citizens in various sections of the commonwealth who have been interested in the Commission and the laws it administers. These civic minded individuals lent their efforts to implementing the Commission in its administration of the civil rights laws. They have through their community efforts endeavored to promote good-will and cooperation among the population of the commonwealth.

The following is a list of the councils and their members.

STATE ADVISORY COUNCIL MEMBERSHIP

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 Richard R. Kriebel, Secretary, Polaroid Corporation
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 Paul Parks, Engineering Partner, Associated Architect & Engineer;
 Chairman NAACP Education Committee; Massachusetts Advisory Committee to U. S. Civil Rights Commission; Trustee, Peter Bent Brigham Hospital
 Dr. Charles A. Pinderhughes, M.D., 70 Brookledge Street, Boston, Mass.
 Rt. Rev. Anson Phelps Stokes, Jr., Bishop of the Protestant Episcopal Diocese of Massachusetts
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- George A. Coleman, President, Brokers Institute of the Greater Boston Real Estate Board
- Dr. Thomas J. Curtin, Deputy Commissioner of Education, Massachusetts Department of Education
- Richard S. Dodd, VA & FHA Finance Manager, Campanelli Bros., Inc.
- Bertram A. Druker, Partner in the firm of John Druker & Son
- Maurice E. Frye, Jr., Street and Co., Inc.; President, Rental Housing Association of the Greater Boston Real Estate Board
- Ralph Fenton, Factory Mutual Insurance Company
- Alan Gartner, Chairman, Greater Boston CORE
- Marvin E. Gilmore, Jr., Realtor
- Reuben Goodman, Esq., 80 Federal St., Boston
- Alfred W. Halper, Home Builder
- Barry Hoffman, Pilgrim Management Corporation
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- M. Jacob Joslow, Executive Director, American Jewish Congress, N. E. Region
- Samuel Katz, Director, New England Region, American Jewish Committee
- Mrs. Elizabeth Keil, Massachusetts Federation for Fair Housing and Equal Rights
- Mrs. Helen Kistin, Research Associate, Joint Center for Urban Studies of M.I.T. and Harvard University; Chairman, Housing Advisory Research Committee
- Sol Kolack, Executive Director, New England Office, Anti-Defamation League of B'nai B'rith
- Rabbi Samuel I. Korff, Rabbinical Court of the Associated Synagogues
- Lee H. Kozol, Assistant Attorney General, Director, Division of Civil Rights and Liberties
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- Jerry Levin, Regent Homes
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- Robert McPeck, Executive Vice President, Home Builders Association
- J. Westbrook McPherson, ACSW, Executive Director, Urban League of Greater Boston Inc.
- Edward C. Mendler, Jr., President, Fair Housing, Inc.
- Malcolm E. Peabody, Chairman of the Governor's Advisory Committee on Civil Rights
- Myron C. Roberts, Roberts Bros.
- L. Robert Rolde, Rental Housing Association of Greater Boston
- Mrs. Sadelle M. Sacks, Fair Housing, Inc.
- Professor Albert M. Sacks, 64 Lincoln Street, Belmont, Mass.
- Rev. Tex Sample, Massachusetts Council of Churches
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- Robert F. Smith, Builder
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New Bedford

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 Rev. Toussaint L. Davis, Baptist Church
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 Clayton T. Drown, Accounting Supervisor, Norton Company
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 The Hon. Joseph Goldberg, Central District Court, Worcester
 Rev. L. M. Hamby
 Frank E. Hayes, Executive Secretary, Board of U. S. Civil Service Examiners, U. S. Post Office, Worcester
 Dr. Ralph L. Holland, Executive Secretary, Greater Worcester Area Council of Churches
 John B. Horvarth, Postmaster, Worcester
 Dr. Howard B. Jefferson, President, Clark University, Worcester
 Rabbi Joseph Klein, Temple Emanuel, Worcester
 John S. Laws, Principal, Dix Street School, Worcester
 Miss Anna Mays, Life member of NAACP, New England Regional Conference
 Philip M. Morgan, President, Morgan Construction Company
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 Rev. Gordon M. Torgerson
 Dr. Joseph Weinreb, Youth Guidance Center

*Deceased

